Supreme Court, U. S.
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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1976

No. 76- 76-6783

Roger L. Strodes,

Petitioner

-vs-

The State of Ohio,

Respondent

ON PETITION FOR WRIT OF
CERTIORARI TO THE SUPREME
COURT OF OHIO

BRIEF FOR RESPONDENT IN OPPOSITION

Attorney's - Respondent

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Springfield, Ohio 45502

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James A. Berry
Prosecuting Attorney of
Clark County
10 West Columbia Street
Springfield, Ohio 45502

CITATION TO OPINION BELOW

The opinion of the Ohio Supreme Court is reported at 48 Ohio St. 2d 113 (1976).

JURISDICTION

Respondent does not have any question as regards the statement of Jurisdiction as set forth in the Petition.

QUESTIONS PRESENTED

1. The respondent has no dispute with petitioner's first question presented.

2. The second question presented this Court is whether the Sixth and Fourteenth Amendment rights to a fair trial by an impartial jury were preserved by the trial court when the venire selection contained a percentage of negroes substantially equal to the percentage of negroes in the population of the county from which the venire was selected.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

There are no authorities in addition to petitioner's.

STATEMENT

At this time respondent has no material dispute with the petitioner's statement of the case.

ARGUMENT

I. THIS COURT SHOULD NOT GRANT A WRIT OF CERTIORARI TO REVIEW THE CONSTITUTIONALITY OF THE OHIO DEATH PENALTY STATUTES BECAUSE THOSE STATUTES ARE CONSTITUTIONAL ON THEIR FACE.

Effective January 1, 1974, Ohio Revised Code Sections 2903.01 and 2929.02 became effective as the law of Ohio, defining therein the offense of aggravated murder and the penalties to be imposed for a violation of Section 2903.01 of the Ohio Revised Code. Sections 2929.03 and 2929.04, also effective January 1, 1974, delineates the procedure that must be followed before the dealth penalty may be imposed and the criteria that must be established before a defendant can be sentenced to death.

These sections were part of Amended Substitute House Bill 511, a comprehensive revision of Ohio's substantive criminal law. During the revision the Ohio Legislature, if it had wished to do so could have removed the death penalty altogether from the penal code; however, when presented with the best opportunity to take just such action, it chose instead to structure a death penalty scheme that removed caprice and arbitrariness from the imposition of the penalty.

The Ohio Legislature is a political body as much as is every other legislature across the land. And, as such, its pronouncements, as to what the laws

of Ohio are to be, must be considered to be a reflection of the will of the people of Ohio. If the populace of Ohio did not want a death penalty for any crimes, the legislators enacting such a penalty would, it can be assumed, either have been voted from office or have repealed the enactment. On other issues perhaps such a result could not be presumed; however, when one considers the emotional and often debated nature of the capital punishment argument, the result is different.

This Court has said that it will presume to be valid legislation regarding the setting of criminal penalties by democratically elected legislators. Gregg v. Georgia, ____U.S._____, 96 S.ct. 2909, 2926 (1976), although this is not the only criteria for determing whether the people really do want a death penalty.

To sustain the proof that the legislation in question is not a reflection of the contemporary will of the represented the petitioner must present proof of such fact because of the heavy burden he bears in attacking it on the grounds of illegitimacy. Petitioner asserts that the death penalty scheme at issue is a compromise between invalid concerns. He does not address the fact that never has this Court held that the death penalty is unconstitutional per se, nor does he address the fact that distinguished commentators on the law have held to the principle that the community has a valid,

societal need for revenge and retribution.[1]

What petitioner would pejoratively call compromise, respondent would call emendating. The Ohio Senate Committee, to retain a valid death penalty provision eliminated some of the discretion given the judge and jury in a capital case. Such corrective action reflects not compromise, but an attempt to validily fulfill the will of the people for a death penalty. Simplified, petitioner's argument is that whatever the will of the people, it must be followed by the legislature, constitutional or not.

To even reach the consideration of the death penalty a defendant must first be found guilty of aggravated murder, either having purposely, and with prior calculation and design killed another or purposely killing another while committing, attempting to commit, or fleeing immediately after committing any of several serious felonies.[2] The required mental

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[1]"The first requirement of a sound body of law is, that it should correspond with the actual feelings and demands of the community, whether right or wrong. If people would gratify the passion of revenge outside the law, if the law did not help them, the law has no choice but to satisfy the craving itself, and thus avoid the greater evil of private retribution." Oliver Wendall Holmes, Jr., The Common Law, 1881 pp. 41-42.

[2]These felonies are kidnapping, rape, arson, aggravated arson, aggravated burglary, burglary, robbery, aggravated robbery, or escape, Section 2903.01 (B) Ohio Revised Code.

culpability is "purposely," which is the highest degree of mental culpability established by the legislature.[3]

Next, at least one of the seven aggravating circumstances must have been charged and found to exist by the trier.[4] The finding of the aggravating circumstance can only be on proof beyond a reasonable doubt.

Even then before the trial judge can impose a penalty of death he must require a pre-sentence investigation be made, that a psychiatric examination be made, the court shall also hear testimony and evidence, arguments of counsel, the offender is allowed to make a statement, under oath or not, as he desires. Section 2929.04 Ohio Revised Code.

As the Texas death penalty statutes tested by this Court in Jurek v. Texas, ___U.S.___, 96 S.ct. 2950, 2956 (1976), were held constitutional despite the fact that no specific mitigating circumstances were enumerated in the statute, the Ohio penalty should also pass the test that the trier's "objective consid-

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[3]Ohio Revised Code Section 2901.22 (A): "A person acts purposely when it is his specific intention to cause a certain result, . . . "

[4]Ohio Revised Code Section 2929.04, they are (1) assassination of the President, Vice President, Governor, Lieutenant Governor, or a person who has been elected to or is a candidate for any such office, (2) murder for hire, (3) murder to escape accountability for another crime, (4) murder by a prisoner, (5) repeat murder or mass murder, (6) killing a law enforcement officer, and (7) felony murder.

eration of the particulatized circumstances of the individual offense and the individual offender before it [ ] impose[s] a sentence of death." Jurek v. Texas, supra at 2957.

If these are not to be considered by the court in sentencing, petitioner offers no reason why they were included as part of the sentencing process, especially when the legislature made the preparation, of reports, or consideration of arguments, imperative upon the court.

At his sentencing hearing petitioner did not participate except to argue its unconstitutionality, primarily because of the methodology of the court-appointed psychiatrist. It would hardly seem proper for petitioner to object at this point to the constitutionality of the sentencing procedure for its being without independent consideration of the circumstances of the conviction and without consideration of mitigating factors in the life and character of the accused.

In State v. Bayless, 48 Ohio St. 2d 73, 86-7 (1976), the Supreme Court of Ohio, in considering the mitigating circumstances as a whole stated:

> [I]t is an essential judicial task to assure that those standards be strictly construed in favor of the defendant, to allow the broadest consideration of mitigating circumstances consistent with their language. We perceive no distinction of constitional dimensions between Ohio's mitigating factors, so construed, and those upheld in Proffitt v. Florida, supra. (footnotes omitted). See also State v. Black, 48 Ohio St. 2d 262, 268 (1976).

The Court should accept the construction by the Ohio courts of Ohio statutes. Jurek v. Texas, supra at 2957, note 7.

The three questions that must be put to the jury in the Texas death penalty statutes are, in slightly different form, in effect in the Ohio scheme.[5] The differences in form makes no differences in effect.

The net effect of the Ohio death sentencing scheme is to objectively consider the particularized circumstances of the individual sentence and the individual offender and thus meets constitutional requirements.

The sentence of death is reviewable as of right in the Supreme Court of Ohio, upon the appeal of the offender. Although such sentence is not automatically reviewed as it would be in Georgia, Georgia Code Section 27-2534.1, mandatory review is not constitutionally required. cf. Gilmore v. Utah, ___U.S.___, 97 S.ct. 436, 439 (1976). What is constitutionally required is that a court with state wide jurisdiction conscientiously review the sentences

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[5]The first question regards the mental culpability of the accused and is the question an Ohio jury must answer to find the accused guilty of aggravated murder, i.e., "purposely" killing. The second question is part of sentencing, probation, and parole dicisions made daily in every jurisdiction. Finally, the third question, is similar to that that must be answered under Section 2929.04 (B) (2) of the mitigating factors.

for, inter alia, consistency, fairness, and rationality. Proffitt v. Florida, ___U.S.____, 96 S.ct. 2960, 2969-70, (1976); Jurek v. Texas, supra at 2955.

The Ohio Supreme Court set forth its philosophy of review and its declared purpose in reviewing death penalty cases in State v. Bayless, supra, the first death penalty case decided in Ohio under the new code. The court said:

> We have in this case, and will in all capital cases, independently review the aggravating and mitigating circumstances presented by the facts of each case to assure ourselves that capital sentence are fairly imposed by Ohio's trial judges. at 86.

Although petitioner did not challenge the sufficiency of the evidence in the case against him, the Ohio Supreme Court did review the case in the manner stated in State v. Bayless, State v. Strodes, 48 Ohio St. 2d 113, 114 (1976). The evidence was similarily reviewed in State v. Roberts, 48 Ohio St. 2d 221, 227 (1976).

This Court has never held that only juries can, or even should be the sentencing authority in capital cases. In Proffitt v. Florida, supra, this court approved of judicial sentencing:

> And it would appear that judicial sentencing should lead, if anything, to even greater consistency in the imposition at the trial court level of capital punishment, since a trial judge is more experienced in sentencing than a jury, and therefore is better able to impose sentences similar to those imposed in analogous cases. at 2966 (footnotes omitted)

See also ABA Standards on Sentencing Alternatives and Procedure, Section 1.1 and the National Advisory Commission, Courts Section 5.1, the Court's Role in Sentencing and Corrections, Sections 5.1, the Sentencing Agency and 16.8 (1) Sentencing Alternatives.

Experienced and rational imposition of the death penalty will insure that any arbitrariness and caprice inherent in jury sentencing is removed and that the death penalty is imposed only in a fair and even handed manner.

The findings and reasoning of the trial judge is on the record, a jury's deliberations are not. A jury sentence cannot be reviewed to determine for what reasons it was imposed. A trial judge is better able to separate himself from the emotionalism and sensational aspects that accompany a capital trial, which must by its very definition be the wilful, purposelful killing of another in aggravating circumstances.

Petitioner's citation of Roberts v. Louisiana, ___U.S.___, 96 S.ct 3001 (1976) and Woodson v. North Carolina, ___U.S.___, 96 S.ct. 2978 (1976), are distinguishable because in those instances capital punishment was mandatory upon a finding of guilt of the crime charged, giving consideration to the relevant facets of the character of the accused. Petitioner contends that the Ohio death penalty induces accused to forego trial by jury because he may also be tried by a three judge panel who mus

unanimiously agree on the non-existence of mitigating factors. This contention does not have merit in fact. Petitioner himself must not have thought that the benefit was sufficient to force him to forego his right to jury trial.

Unlike United States v. Jackson, 390 U.S. 570 (1968), cited by petitioner, the Ohio scheme provides for the death penalty under either alternative chosen.

The choice the accused and his counsel have under the Ohio scheme is whether there is a better chance of convincing one of three judges of mitigating factors or one of twelve jurymen of his innocence. The question is one of trial strategy and is not of constitutional import.

Petitioner's argument that Section 2929.03 (E) Ohio Revised Code unconstitutionally requires him to prove by a preponderance of the evidence mitigating factors, misconstrues the function of that section. Arguments urging mitigation of sentence are traditionally put forth by the defense, as guilt has already been proven. As was shown in the argument above, the mitigating factors have been broadly interpreted, and are more than mere affirmative defenses, State v. Lockett, 49 Ohio St. 2d 48, 65-66 (1976).

Petition wantonly killed the owner of a mom and pop store after robbing him. A punishment of death would not be out of proportion to the severity

of the crime. And, Ohio has provided statutes for the imposition of the death penalty that assure in this case that the death penalty was not wantonly or freakishly imposed, but that it was imposed in an evenhanded, rational, and consistent manner; which entence was affirmed after meaningful review. For these reasons, the Ohio death penalty scheme is constitional and certiorari should not issue.

II. THE PEOPLE OF OHIO HAVE RATIFIED THE OHIO DEATH PENALTY THROUGH THEIR LEGISLATORS AND HAVE DELIGATED THE EXERCISE OF THAT POWER OF LIFE AND DEATH OVER PETITIONER TO JURIES AND COURTS THROUGH THOSE SAME LEGISLATORS.

Petitioner's first claim is that only by plebiscite should petitioner be sentenced to death. To carry this argument to its logical conclusion would be to require all criminal sentences to be determined by plebiscite, in order to grant equal benefit of the law to all convicted individuals.

Furthermore, such a national plebiscite would violate petitioner's right to trial in the vicinage, U.S. Constitution, Amendment VI.

Petitioner's second contention is a repeat of some of his earlier arguments. Therefore, the rebuttal to those will not be repeated herein.

III. THIS COURT SHOULD NOT GRANT CERTIORARI WHEN PETITIONER HAS FAILED TO PRESENT A PRIMA FACIE CASE OF SYSTEMATIC OR INTENTIONAL DISCRIMINATION IN THE SELECTION OF JURORS OVER A SIGNIFICANT PERIOD OF TIME; NOR IS THE STATE REQUIRED TO REBUT SUCH ARGUMENTS UNTIL A PRIMA FACIE CASE IS MADE.

Prior to the trial of petitioner a special venire composed of seventy-five names was drawn in the presence of counsel for petitioner and another special venire was similarly drawn for a co-defendant. Counsel for petitioner examined one of the two jury commissioners on the procedure used to fill the jury wheel. At the close of the examination of Mr. Murphy, the jury commissioner, counsel objected generally to the procedure and to the method used to fill the jury wheel, Transcript of Drawing of Special Venire, at 14. Counsel did not at that time indicate that he was objecting on constitutional grounds, nor did he so indicate when he renewed his objection, at 24.

The petition in this case misleads this Court when petitioner asserts at page 32 of his petition that one member of the special venire had served on a jury the previous year, venireman Kenneth J. Rowlett. In fact Mr. Rowlett had only been called as a prospective juror in the proceding year. Counsel for petitioner did not challenge Mr. Rowlett's service on the jury for cause nor was he removed pre-emptorily.

Contrary to petitioner's suggestion, the array of venireman need not reflect an exact cross section of the community. Swain v. Alabama, 380 U.S. 202, 208, (1965). All that is required is that veniremen be selected without systematic and intentional exclusion of any identificable group, Thiel v. Southern P. Co., 328 U.S. 217 (1946).

To substantiate a claim of denial of equal protection based on racial discrimination, the petitioner must first show that he is the member of recognizable, distinct class. Respondent would not dispute that petitioner is a member of such a class - Negro. Petitioner must next show a degree of under-representation of his class over a significant period of time such as would establish a prima facie case of exclusion of his class from the legal processes. Castaneda v. Partida, ___U.S.___, 97 S.ct. 1272 (1972), March 23, 1977. Norris v. Alabama, 294 U.S. 587 (1935).

It is in this regard that petitioner fails. Initially his statistics are for the wrong geographical area. Section 2313.06 (1953) of the Ohio Revised Code requires that the venire list be drawn from the county; therefore, petitioner's late motion for a new trial contains misleading information. This misapplication of statistical information is carried into petitioner's petition at page 32 where he asserts that the special venire process, as applied in the instant case, produced only 5.33 percent of Negroes on the list, or "one third

of the percentage of blacks in his [petitioner's] county's general population."

In fact, the percentage of Negroes in the county, according to the 1970 census figures of the U.S. Department of Commerce, Bureau of Census, is 8.42 percent of the total population. (Appendix p. 19). Of the seventy-five persons selected for the special venire, four were Negroes, 5.33 percent of the venire. Mathematically then, if 6.3 potential jurors had been Negroes, in county population percentage of Negroes would have been exactly represented on the special venire.[1]

A total under-representation of two jurors does not establish a prima facie case of intentional, arbitrary, or systematic exclusion of blacks from the venires of Clark County, Ohio.

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[1]These figures are presented to this Court for two reasons, First, the petitioner did not himself produce the 1970 census figures before the trial court until January 14, 1975, upon his motion for new trial while his case was on appear to the Court of Appeals, Clark County, Ohio. At that time the figures were not introduced in evidence, but merely were attached, in the form of an affidavit, to his motion. Secondly, to rebut what respondent feels is an innocent, but misleading analysis of the statistics before this court in petitioner's brief caused, respondent believes, by the inadvertant use of the word "county" in place of city in the petition.

Nor does the newspaper article cited by petitioner aid his contentions of denial of equal protection. It was introduced in petitioner's second motion for a new trial by affidavit attached to the motion. There has been no showing of the articles reliability and its contents are not on point.[2]

Petition also fails to show significant under-representation over a significant period of time. He has presented to this Court one instance of under representation, which is by a small percentage. Any conclusions of systematic exclusions drawn from one array selection are inherently suspect in that they do not consider the total selection process, but only one chance drawing from the jury wheel, accord, Hernandez v. Texas, 347 U.S. 475, 480 (1954) and Norris v. Alabama, supra.

Therefore, petitioner has not presented a prima facie case of intentional discrimination which the state must rebut. Nor does this case present any issue of constitutionally prohibited exclusion.

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[2]Part of the material and assertions in the article were gathered by the reporter from Eugene Nevius, co-counsel below in the instant case, while the case was in the process of appeal.

C O N C L U S I O N

It is respectfully submitted that the petition for writ of certiorari should not be granted.

James A. Berry
Clark County Prosecuting Attorney

PROOF OF SERVICE

I, James A. Berry, Prosecuting Attorney for Clark County, Ohio, and a member of the Bar of the Supreme Court of the United States hereby certify that on the _____ day of June, 1977, I served copies of the foregoing Response in Opposition to Petition for Writ of Certiorari on Thomas J. Veskauf, First National Bank Building, Springfield, Ohio 45502, William R. Hollard, 912 Centran Building, Akron, Ohio 44308, attorneys for petitioner, by mailing copies in duly addressed envelopes, with first class U.S. postage.

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APPENDIX

PERCENTAGE DISTRIBUTION OF THE POPULATION, BY RACE AND BY COUNTY, OHIO, APRIL 1, 1970

County	Total, All Races		White		Black		Other	
	Number	Percentage Of All Races	Number	Percentage Of All Races	Number	Percentage Of All Races	Number	Percentage Of All Races
OHIO TOTAL	10,652,017	100.00%	9,646,997	90.56%	970,477	9.11%	34,543	.32%
Adams	18,957	100.00	18,915	99.78	25	0.13	17	.09
Allen	111,144	100.00	101,639	91.45	9,234	8.31	271	.24
Ashland	43,303	100.00	43,013	99.33	238	0.55	52	.12
Ashtabula	99,237	100.00	95,372	97.08	2,652	2.70	213	.21
Athens	54,889	100.00	53,198	96.92	1,230	2.24	461	.83
Auglaize	38,602	100.00	38,525	99.80	39	0.10	38	.09
Belmont	80,917	100.00	79,087	97.74	1,710	2.11	120	.14
Brown	26,635	100.00	26,108	98.02	509	1.91	18	.06
Butler	226,207	100.00	214,455	94.80	11,171	4.94	581	.25
Carroll	21,579	100.00	21,409	99.21	145	0.67	25	.11
Champaign	30,491	100.00	29,447	96.58	986	3.23	58	.19
Clark	157,115	100.00	143,586	91.39	13,236	8.42	293	.18
Clermont	95,725	100.00	94,665	98.89	896	0.94	164	.17
Clinton	31,464	100.00	30,613	97.30	788	2.50	63	.20
Columbiana	108,310	100.00	106,584	98.41	1,576	1.46	150	.13
Coshocton	33,486	100.00	33,100	98.85	335	1.00	51	.15
Crawford	50,364	100.00	50,003	99.28	264	0.52	97	.19
Cuyahoga	1,721,300	100.00	1,383,749	80.39	328,419	19.08	9,132	.53
Darke	49,141	100.00	48,868	99.44	212	0.43	61	.12
Defiance	36,949	100.00	36,702	99.33	109	0.30	138	.37
Delaware	42,908	100.00	41,604	96.96	1,231	2.87	73	.17
Erie	75,909	100.00	70,536	92.92	5,242	6.91	131	.17
Fairfield	73,301	100.00	72,534	98.95	653	0.89	114	.15
Fayette	25,461	100.00	24,713	97.06	714	2.80	34	.13
Franklin	833,249	100.00	725,171	87.03	104,387	12.53	3,691	.44
Fulton	33,071	100.00	32,904	99.50	43	0.13	124	.37
Gallia	25,239	100.00	24,106	95.51	1,057	4.19	76	.30
Geauga	62,977	100.00	61,951	98.37	673	1.39	153	.24
Greene	125,057	100.00	116,308	93.00	8,241	6.59	508	.40
Guernsey	37,665	100.00	36,917	98.01	700	1.86	48	.12
Hamilton	924,018	100.00	775,663	83.94	145,294	15.72	3,061	.33
Hancock	61,217	100.00	60,745	99.23	339	0.55	133	.21
Hardin	30,813	100.00	30,548	99.14	204	0.66	61	.19
Harrison	17,013	100.00	16,473	96.83	516	3.03	24	.14
Henry	27,058	100.00	26,848	99.22	106	0.39	104	.38
Highland	28,996	100.00	28,213	97.30	729	2.51	54	.18
Hocking	20,322	100.00	20,194	99.37	115	0.57	13	.06
Holmes	23,024	100.00	23,000	99.90	7	0.03	17	.07
Huron	49,587	100.00	48,891	98.60	577	1.16	119	.23
Jackson	27,174	100.00	26,949	99.17	194	0.71	31	.11
Jefferson	96,193	100.00	90,668	94.26	5,333	5.54	192	.19
Knox	41,795	100.00	41,367	98.98	360	0.86	68	.10
Lake	197,200	100.00	193,993	98.37	2,634	1.34	573	.29
Lawrence	56,868	100.00	55,161	97.00	1,622	2.85	85	.14
Licking	107,709	100.00	105,934	98.27	1,660	1.54	200	.18
Logan	35,072	100.00	34,384	98.04	658	1.88	30	.08
Lorain	256,843	100.00	239,252	93.15	16,388	6.38	1,203	.46
Lucas	484,370	100.00	427,541	88.27	54,694	11.29	2,135	.44
Madison	28,318	100.00	26,843	94.79	1,437	5.07	38	.13
Mahoning	303,424	100.00	264,915	87.31	37,217	12.26	982	.32
Marion	56,734	100.00	52,824	97.06	1,753	3.21	147	.22
Medina	82,717	100.00	81,919	99.04	688	0.83	110	.13
Meigs	19,799	100.00	19,549	98.74	223	1.13	27	.13
Mercer	35,265	100.00	35,212	99.85	2	0.01	51	.14
Miami	84,342	100.00	82,550	97.88	1,674	1.98	118	.13
Monroe	15,739	100.00	15,722	99.89	6	0.04	11	.06
Montgomery	606,148	100.00	520,489	85.87	83,672	13.80	1,987	.32
Morgan	12,375	100.00	11,848	95.74	488	3.94	39	.31
Morrow	21,348	100.00	21,327	99.90	7	0.03	14	.06
Muskingum	77,826	100.00	74,406	95.61	3,292	4.23	128	.16
Noble	10,428	100.00	10,412	99.85	6	0.06	10	.09
Ottawa	37,099	100.00	36,661	98.82	263	0.71	175	.47
Paulding	19,329	100.00	18,955	98.07	273	1.41	101	.52
Perry	27,434	100.00	27,282	99.45	125	0.46	27	.09
Pickaway	40,071	100.00	39,233	97.91	783	1.95	55	.13
Pike	19,114	100.00	18,813	98.43	287	1.50	14	.07
Portage	125,868	100.00	122,786	97.55	2,677	2.13	405	.32
Preble	34,719	100.00	34,586	99.62	89	0.26	44	.12
Putnam	31,134	100.00	31,014	99.61	8	0.03	112	.35
Richland	129,997	100.00	121,127	93.18	8,669	6.67	201	.15
Ross	61,211	100.00	58,164	95.02	2,970	4.85	77	.12
Sandusky	60,983	100.00	59,565	97.67	1,023	1.68	395	.64
Scioto	76,951	100.00	75,545	98.17	1,319	1.71	87	.11
Seneca	60,696	100.00	59,467	97.98	1,046	1.72	183	.30
Shelby	37,748	100.00	37,173	98.48	550	1.46	25	.06
Stark	372,210	100.00	349,860	94.00	21,558	5.79	792	.21
Summit	553,371	100.00	500,290	90.41	51,622	9.33	1,459	.26
Trumbull	232,579	100.00	218,883	94.11	13,104	5.63	594	.25
Tuscarawas	77,211	100.00	76,407	98.96	738	0.96	66	.08
Union	23,786	100.00	23,372	98.26	388	1.63	26	.10
Van Wert	29,194	100.00	29,010	99.37	110	0.38	74	.25
Vinton	9,420	100.00	9,393	99.71	19	0.20	8	.08
Warren	84,925	100.00	83,531	98.36	1,285	1.51	109	.12
Washington	57,160	100.00	56,351	98.58	674	1.18	135	.23
Wayne	87,123	100.00	85,592	98.24	1,372	1.57	159	.18
Williams	33,669	100.00	33,607	99.82	5	0.01	57	.16
Wood	89,722	100.00	88,932	99.11	393	0.44	407	.45
Wyandot	21,826	100.00	21,788	99.83	12	0.05	26	.11

Note: Detail may not add to totals due to rounding.

Source: U. S. Department of Commerce, Bureau of the Census, 1970 Census of Population, General Population Characteristics, Ohio, Advance Report, PC(V2)-37, and computations.

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